

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD O'LEARY,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 05-326
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
Defendant.	)	

ORDER

AND NOW, this 6<sup>th</sup> day of October, 2005, after the plaintiff, Donald O'Leary, filed an action in the above-captioned case seeking review of the Social Security Commissioner's final determination disallowing his claim for a period of disability or for disability insurance benefits and for supplemental security income benefits, and after cross motions for summary judgment were submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's motion for summary judgment (Docket No. 11) is granted and the decision of the Social Security Commissioner is affirmed.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: N. Leah Fink  
Email: kunkel.fink@verizon.net

Jessica Lieber Smolar  
Email: jessica.smolar@usdoj.gov

Honorable Robert C. Mitchell  
United States Magistrate Judge